

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

MONIQUE KELLY-ROBINSON

Plaintiff,

vs.

SPIRIT AIRLINES, INC.

Defendant.

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CIV. ACT. No. 3:21-civ-2270

APPENDIX IN SUPPORT OF REMOVAL

Defendant Spirit Airlines, Inc. (“Spirit Airlines”) submits the following appendix in support of its Notice of Removal.

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Respectfully submitted,

/s/ Brett Myers
Brett L. Myers
Texas State Bar No. 00788101
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Jeffrey W. Hellberg, Jr.
Texas State Bar No. 00796738
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Jonathan DeMay (*pro hac vice to be filed*)
jdemay@condonlaw.com

CONDON & FORSYTH LLP
7 Times Square, 18th Floor
New York, New York 10036
Telephone: 212.490.9100

***ATTORNEYS FOR DEFENDANT
SPIRIT AIRLINES, INC.***

CERTIFICATE OF SERVICE

I certify that on September 23, 2021, a true and correct copy of Defendant's Appendix in
Support of Notice of Removal was served on the following counsel of record electronically:

PLAINTIFF:

Girraud Stephens (e-service@daspitlaw.com)
Daspit Law Firm, PLLC
600 North Pearl Street, Ste. 2205
Dallas, Texas 75201
469-206-8210—tel
713-587-9086—fax

/s/ Brett Myers

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Monique Kelly-Robinson

(b) County of Residence of First Listed Plaintiff Dallas County, Texas
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Girraud Stephens, Daspit Law Firm, PLLC, 600 North Peral
Street, Ste. 2205 Dallas, Texas 75201, 469-206-8210—tel**DEFENDANTS**

Spirit Airlines, Inc.

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Brett L. Myers, Wick Phillips Gould & Martin LLP, 3131
McKinney Ave. Suite 500, Dallas, Texas 75204, 214-692-6200 tel**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input checked="" type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 U.S.C. 1332

Brief description of cause:

Personal injuries allegedly resulting from incident occurring on or around Defendant's aircraft.**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. **DEMAND \$** _____ **CHECK YES only if demanded in complaint:**
JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE _____ DOCKET NUMBER _____

DATE

Sep 23, 2021

SIGNATURE OF ATTORNEY OF RECORD

/s/ Brett L. Meyers

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

Case 3:21-cv-02270-S Document 2 Filed 09/23/21 Page 4 of 38 PageID 8
INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
 - (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
 - (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related cases, if any. If a related case exists, whether pending or closed, insert the docket numbers and the corresponding judge names for such cases. A case is related to this filing if the case: 1) involves some or all of the same parties and is based on the same or similar claim; 2) involves the same property, transaction, or event; 3) involves substantially similar issues of law and fact; and/or 4) involves the same estate in a bankruptcy appeal.

Date and Attorney Signature. Date and sign the civil cover sheet.

**Supplemental Civil Cover Sheet for Cases Removed
From State Court**

**This form must be attached to the Civil Cover Sheet at the time the case is filed in the U.S. District
Clerk's Office. Additional sheets may be used as necessary.**

1. State Court Information:

Please identify the court from which the case is being removed and specify the number assigned to the case in that court.

<u>Court</u>	<u>Case Number</u>

2. Style of the Case:

Please include all Plaintiff(s), Defendant(s), Intervenor(s), Counterclaimant(s), Crossclaimant(s) and Third Party Claimant(s) still remaining in the case and indicate their party type. Also, please list the attorney(s) of record for each party named and include their bar number, firm name, correct mailing address, and phone number (including area code).

<u>Party and Party Type</u>	<u>Attorney(s)</u>

3. Jury Demand:

Was a Jury Demand made in State Court? Yes No

If "Yes," by which party and on what date?

Party

Date

4. Answer:

Was an Answer made in State Court? Yes No

If "Yes," by which party and on what date?

Party

Date

5. Unserved Parties:

The following parties have not been served at the time this case was removed:

<u>Party</u>	<u>Reason(s) for No Service</u>

6. Nonsuited, Dismissed or Terminated Parties:

Please indicate any changes from the style on the State Court papers and the reason for that change:

<u>Party</u>	<u>Reason</u>

7. Claims of the Parties:

The filing party submits the following summary of the remaining claims of each party in this litigation:

<u>Party</u>	<u>Claim(s)</u>

ATTORNEYS FOR THE PARTIES

Plaintiff Monique Kelly-Robinson

Girraud Stephens
e-service@daspitlaw.com
Daspit Law Firm, PLLC
600 North Pearl Street, Ste. 2205
Dallas, Texas 75201
469-206-8210—tel
713-587-9086—fax

Defendant Spirit Airlines, Inc.

Brett L. Myers
Texas State Bar No. 00788101
Brett.myers@wickphillips.com
Jeffrey W. Hellberg, Jr.
Texas State Bar No. 00796738
Jeff.hellberg@wickphillips.com
WICK PHILLIPS GOULD & MARTIN LLP
3131 McKinney Avenue, Suite 500
Dallas, Texas 75204
Telephone: 214.692.6200
Telecopier: 214.692.6255

Jonathan DeMay (pro hac vice to be filed)
jdemay@condonlaw.com
CONDON & FORSYTH LLP
7 Times Square, 18th Floor
New York, New York 10036
Telephone: 212.490.9100

Case Information

DC-21-10683 | MONIQUE KELLY-ROBINSON vs. SPIRIT AIRLINES, INC.

Case Number

DC-21-10683

File Date

08/11/2021

Court

101st District Court

Case Type

OTHER PERSONAL INJURY

Judicial Officer

WILLIAMS, STACI

Case Status

OPEN

Party

PLAINTIFF

KELLY-ROBINSON, MONIQUE

Address

600 N. PEARL ST.

SUITE 2205

DALLAS TX 75201

Active Attorneys ▼

Lead Attorney

DASPIT, JOHN ARTHUR

Retained

DEFENDANT

SPIRIT AIRLINES, INC.

Address

ITS REGISTERED AGENT, CORPORATION SERVICE COMPANY

211 E. 7TH STREET, SUITE 620

AUSTIN TX 78701

Active Attorneys ▼

Lead Attorney

MYERS, BRETT LEE

Retained

Events and Hearings

08/11/2021 NEW CASE FILED (OCA) - CIVIL

08/11/2021 ORIGINAL PETITION ▼

ORIGINAL PETITION

08/11/2021 CORRESPONDENCE - LETTER TO FILE ▼

CORRESPONDENCE LETTER

08/11/2021 ISSUE CITATION ▼

CITATION- SPIRIT AIRLINES INC

08/16/2021 CITATION ▼

Served

08/24/2021

Anticipated Server

ESERVE

Anticipated Method

Actual Server

OUT OF COUNTY

Returned

08/26/2021

Comment

SPIRIT AIRLINES INC

08/26/2021 RETURN OF SERVICE ▼

EXECUTED CITATION:SPIRIT AIRLINES INC

Comment

EXECUTED CITATION:SPIRIT AIRLINES INC

09/17/2021 ORIGINAL ANSWER - GENERAL DENIAL ▼

ORIGINAL ANSWER - SPIRIT AIRLINES, INC.

10/15/2021 DISMISSAL FOR WANT OF PROSECUTION ▼

101st Dismissal Letter - 2017

101st Dismissal Letter - 2017

101st DWOP2021Remote

101st DWOP2021Remote

101st DWOP2021Remote

101st DWOP2021Remote

Judicial Officer
WILLIAMS, STACI

Hearing Time
9:00 AM

Financial

KELLY-ROBINSON, MONIQUE				
Total Financial Assessment				\$300.00
Total Payments and Credits				\$300.00
8/13/2021	Transaction Assessment			\$300.00
8/13/2021	CREDIT CARD - TEXFILE (DC)	Receipt # 52568-2021-DCLK	KELLY-ROBINSON, MONIQUE	(\$300.00)

Documents

ORIGINAL PETITION
CORRESPONDENCE LETTER
CITATION- SPIRIT AIRLINES INC
101st Dismissal Letter - 2017
101st Dismissal Letter - 2017
EXECUTED CITATION:SPIRIT AIRLINES INC
101st DWOP2021Remote
101st DWOP2021Remote
101st DWOP2021Remote
101st DWOP2021Remote
ORIGINAL ANSWER - SPIRIT AIRLINES, INC.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

MONIQUE KELLY-ROBINSON

Plaintiff,

vs.

SPIRIT AIRLINES, INC.

Defendant.

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CIV. ACT. No. _____

CORPORATE DISCLOSURE STATEMENT

Pursuant to Fed. R. Civ. P. 7.1 and LR 3.1(c), LR 7.4, LR 81.1(a)(4)(D) and LR 81.2,
Defendant Spirit Airlines, Inc. provides the following information:

1. For a nongovernmental corporate party, the name(s) of its parent corporation
and any publically held corporation that owns 10% or more of its stock (if none, state “None”):

- a. Defendant SPIRIT AIRLINES, INC. (“SPIRIT AIRLINES”), states that it has no
parent corporation and that no publicly held corporation owns 10% or more of its
stock.

2. A complete list of all persons, associations of persons, firms, partnerships,
corporations, guarantors, insurers, affiliates, parent or subsidiary corporations, or other legal
entities that are financially interested in the outcome of this case:

- a. Spirit Airlines, Inc.—Defendant

- b. Attorneys for Defendant:

- i. Brett Myers, Wick Phillips Gould & Martin, LLP, 100
Throckmorton Street, Suite 1500, Fort Worth, Texas 76102
- ii. Jonathan E. DeMay, Condon & Forsyth LLP, 7 Times Square, 18th
Floor, New York, New York 10036

- c. Monique Kelly-Robinson—Plaintiff
- d. Attorneys for Plaintiff: Girraud Stephens, Daspit Law Firm, PLLC, 600 North Pearl Street, Ste. 22055, Dallas, Texas 75201.

Respectfully submitted,

/s/ Brett Myers
Brett L. Myers
Texas State Bar No. 00788101
Brett.myers@wickphillips.com
Jeffrey W. Hellberg, Jr.
Texas State Bar No. 00796738
Jeff.hellberg@wickphillips.com

WICK PHILLIPS GOULD & MARTIN LLP
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Jonathan DeMay (*pro hac vice to be filed*)
jdemay@condonlaw.com

CONDON & FORSYTH LLP
7 Times Square, 18th Floor
New York, New York 10036
Telephone: 212.490.9100

***ATTORNEYS FOR DEFENDANT SPIRIT
AIRLINES, INC.***

CERTIFICATE OF SERVICE

I certify that on September 23, 2021, a true and correct copy of Defendant's Disclosure Statement was served on the following counsel of record electronically:

PLAINTIFF:

Girraud Stephens (e-service@daspitlaw.com)
Daspit Law Firm, PLLC
600 North Pearl Street, Ste. 2205
Dallas, Texas 75201
469-206-8210—tel
713-587-9086—fax

/s/ Brett Myers

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

MONIQUE KELLY-ROBINSON

Plaintiff,

vs.

SPIRIT AIRLINES, INC.

Defendant.

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CIV. ACT. No. _____

INDEX OF DOCUMENTS FILED IN STATE COURT

Description	Date
Plaintiff's Original Petition	8/11/2021
Citation Issued on Spirit Airlines, Inc.	8/11/2021
Civil Info Sheet (state court)	8/11/2021
Correspondence Setting Dismissal Date	8/17/2021
Citation Served on Spirit Airlines, Inc.	8/24/2021
Correspondence Setting Dismissal Date	9/17/2021
Defendant's Original Answer	9/17/2021

Respectfully submitted,

/s/ Brett Myers
Brett L. Myers
Texas State Bar No. 00788101
Brett.myers@wickphillips.com
Jeffrey W. Hellberg, Jr.
Texas State Bar No. 00796738
Jeff.hellberg@wickphillips.com

WICK PHILLIPS GOULD & MARTIN
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Jonathan DeMay (*pro hac vice to be filed*)
jdemay@condonlaw.com

CONDON & FORSYTH LLP
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New York, New York 10036
Telephone: 212.490.9100

***ATTORNEYS FOR DEFENDANT
SPIRIT AIRLINES, INC.***

CERTIFICATE OF SERVICE

I certify that on September 23, 2021, a true and correct copy of Defendant's Appendix in Support of Notice of Removal was served on the following counsel of record electronically:

PLAINTIFF:

Girraud Stephens (e-service@daspitlaw.com)
Daspit Law Firm, PLLC
600 North Pearl Street, Ste. 2205
Dallas, Texas 75201
469-206-8210—tel
713-587-9086—fax

/s/ Brett Myers

CAUSE NO. DC-21-10683

MONIQUE KELLY-ROBINSON	§	IN THE DISTRICT COURT OF
	§	
<i>Plaintiff,</i>	§	
	§	
v.	§	DALLAS COUNTY, TEXAS
	§	
SPIRIT AIRLINES, INC.	§	
	§	
<i>Defendant.</i>	§	101st
		<u> </u> JUDICIAL DISTRICT

PLAINTIFF’S ORIGINAL PETITION

Plaintiff Monique Kelly-Robinson (hereinafter, “Plaintiff”), complains of Defendant Spirit Airlines, Inc. (hereinafter, “Defendant”), and would respectfully show the Court that:

Discovery Control Plan

1. Plaintiff intends to conduct discovery in this matter under Level 3 of the Texas Rules of Civil Procedure.

Jurisdiction and Venue

2. The claims asserted arise under the common law of Texas. This Court has jurisdiction and venue is proper because all or a substantial part of the events or omissions giving rise to the claim occurred in Dallas County, Texas.

Statement Regarding Monetary Relief Sought

3. Pursuant to Texas Rule of Civil Procedure 47(c), Plaintiff seeks monetary relief over \$200,000.00 but not more than \$1,000,000.00, including damages of any kind, penalties, costs, expenses, pre-judgment interest and attorney’s fees and judgment for all other relief to which Plaintiff is justly entitled. Plaintiff expressly reserves the right to amend this Rule 47 statement of relief if necessary. Plaintiff further pleads that the amount in controversy in this matter does not exceed \$75,000.00.

Parties

4. Plaintiff is an individual residing in Dallas County, Texas.

5. Defendant is a Delaware Corporation with an active right to transact business in Texas. Defendant may be served with process by serving its registered agent, Corporation Service Company d/b/a CSC Lawyers Incorporated, at 211 E. 7th Street, Suite 620, Austin, Texas 78701.

Misnomer and Alter Ego

6. In the event that any parties are misnamed or not included herein, it is Plaintiff's contention that such was a misnomer and/or such parties are/were alter egos of parties names herein. Specifically, it is Plaintiff's intent to bring suit against the owners and/or operators of Spirit Airlines, Inc.

Facts

7. This lawsuit is necessary as a result of personal injuries that Plaintiff received on or about July 18, 2021. At that time, Plaintiff while on duty and in the course and scope of employment for Defendant was unloading work items outside of an airplane platform owned and operated by Defendant. Plaintiff attempted to step back on the airplane from the platform at which time Plaintiff's shoe was caught in the lip or gap of airplane door owned and maintained by Defendant. As a result, Plaintiff fell and was seriously injured. Due to Defendant's negligence, Plaintiff suffered extensive and severe injuries. At all times material hereto, one or more of Defendant's employees and/or agents supervised the employment of Plaintiff.

8. Defendant was negligent and/or negligent *per se* for one or more of the following reasons, each of which act and/or omission, individually or collectively, constitutes negligence and/or negligence *per se* which proximately caused the incident and Plaintiff's resulting damages:

- a. Negligent supervision of their subcontractors;
 - b. Negligent supervision of their employees;
 - c. Failed to avoid and/or protect against work-related hazards;
 - d. Failed to ensure the safe operation of permitted airplane and/or airplane mechanisms including requirements related to platform maintenance and location;
 - e. Negligently conducted active operations on the premises;
 - f. Negligent hiring and/or retention of employees;
 - g. Negligent training and/or supervision of their employees, invitees and subcontractors;
 - h. Acting in a manner below the applicable standard of care;
 - i. Violating applicable, local, state, and federal laws and/or;
 - j. Other acts so deemed negligence.
9. Each of the foregoing negligent acts and/or omissions, whether taken singularly or in any combination, was a proximate cause of Plaintiff's injuries and damages that are described below.

Damages

10. As a result of these acts or omissions, Plaintiff sustained damages recognizable by law.
11. By virtue of the actions and conduct of the Defendant set forth above, Plaintiff was seriously injured and is entitled to recover the following damages:
- a. Past and future medical expenses;
 - b. Past and future pain, suffering and mental anguish;
 - c. Past and future physical impairment;
 - d. Past and future physical disfigurement;
 - e. Past lost wages and future loss of earning capacity.

12. By reason of the above, Plaintiff was entitled to recover damages from the Defendant in an amount within the jurisdictional limits of this Court, as well as pre and post-judgment interest.

Request for Disclosures

13. Pursuant to Rule 194, Tex. R. Civ. P., Plaintiff requests that Defendant disclose, within fifty days of this request, the information or materials described in Texas Rule of Civil Procedure 194.2(a)-(l).

Other Discovery

14. Plaintiff refers Defendant to the attached Request for Admissions, Interrogatories and Request for Production and notifies you that a response is required within 50 days of service of these requests.

Rule 193.7 Notice

15. Plaintiff hereby gives actual notice to Defendant that any and all documents produced may be used against Defendant at any pre-trial proceeding and/or at trial of this matter without the necessity of authenticating the documents.

Prayer

Plaintiff prays that this citation issue and be served upon Defendant in a form and manner prescribed by law, requiring that Defendant appear and answer, and that upon final hearing, Plaintiff has judgment against Defendant in a total sum in excess of the minimum jurisdictional limits of this Court, plus pre-judgment and post judgment interests, all costs of Court, and all such other and further relief, to which she may be justly entitled.

[Signature block on next page.]

Respectfully submitted,

DASPIT LAW FIRM, PLLC

/s/ Girraud Stephens

Girraud Stephens

Texas State Bar No. 24107326

600 North Pearl Street, Suite 2205

Dallas, Texas 75201

Telephone: (469) 206-8210

Facsimile: (713) 587-9086

Email: e-service@daspitlaw.com

ATTORNEY FOR PLAINTIFF

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Jacqueline Betancourt on behalf of John Daspit
Bar No. 24048906
jacqueline@daspitlaw.com
Envelope ID: 56215465
Status as of 8/13/2021 9:09 AM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Jaime Holder		jholder@proactivelegal.com	8/11/2021 2:36:56 PM	SENT
DLF Intake		intake@daspitlaw.com	8/11/2021 2:36:56 PM	SENT
Alma Lira		Alira@proactivelegal.com	8/11/2021 2:36:56 PM	SENT
Girraud Stephens		gstephens@daspitlaw.com	8/11/2021 2:36:56 PM	SENT
Jacqueline Betancourt		jacqueline@daspitlaw.com	8/11/2021 2:36:56 PM	SENT
John A Daspit	24048906	Eservice@daspitlaw.com	8/11/2021 2:36:56 PM	SENT

**FORM NO. 353-3 - CITATION
THE STATE OF TEXAS**

**To: SPIRIT AIRLINES, INC.
ITS REGISTERED AGENT CORPORATION SERVICE COMPANY
211 E 7TH STREET SUITE 620
AUSTIN TX 78701**

GREETINGS:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org. Your answer should be addressed to the clerk of the **101st District Court** at 600 Commerce Street, Ste. 101, Dallas, Texas 75202.

Said Plaintiff being **MONIQUE KELLY-ROBINSON**

Filed in said Court **11th day of August, 2021** against

SPIRIT AIRLINES, INC.

For Suit, said suit being numbered **DC-21-10683**, the nature of which demand is as follows:
Suit on **OTHER PERSONAL INJURY** etc. as shown on said petition, a copy of which accompanies this citation. If this citation is not served, it shall be returned unexecuted.

WITNESS: FELICIA PITRE, Clerk of the District Courts of Dallas, County Texas.
Given under my hand and the Seal of said Court at office this 16th day of August, 2021.

ATTEST: FELICIA PITRE, Clerk of the District Courts of Dallas, County, Texas

By , Deputy
COURTNEY RUTLEDGE



ESERVE

CITATION

DC-21-10683

**MONIQUE KELLY-ROBINSON
vs.
SPIRIT AIRLINES, INC.**

**ISSUED THIS
16th day of August, 2021**

**FELICIA PITRE
Clerk District Courts,
Dallas County, Texas**

By: COURTNEY RUTLEDGE, Deputy

**Attorney for Plaintiff
JOHN ARTHUR DASPIT
THE DASPIT LAW FIRM
440 LOUISIANA ST
STE 1400
HOUSTON TX 77002
713-322-4878
e-service@daspitlaw.com**

**DALLAS COUNTY
SERVICE FEES
NOT PAID**

OFFICER'S RETURN

Case No. : DC-21-10683

Court No.101st District Court

Style: MONIQUE KELLY-ROBINSON

vs.

SPIRIT AIRLINES, INC.

Came to hand on the _____ day of _____, 20_____, at _____ o'clock _____ .M. Executed at _____,
within the County of _____ at _____ o'clock _____ .M. on the _____ day of _____,
20_____, by delivering to the within named _____

each in person, a true copy of this Citation together with the accompanying copy of this pleading, having first endorsed on same date of delivery. The distance actually traveled by
me in serving such process was _____ miles and my fees are as follows: To certify which witness my hand.

For serving Citation \$ _____

For mileage \$ _____ of _____ County, _____

For Notary \$ _____ By _____ Deputy

(Must be verified if served outside the State of Texas.)

Signed and sworn to by the said _____ before me this _____ day of _____, 20_____,
to certify which witness my hand and seal of office.

Notary Public _____ County _____

CIVIL PROCESS REQUEST

FOR EACH PARTY SERVED YOU MUST FURNISH ONE (1) COPY OF THE PLEADING
FOR WRITS FURNISH TWO (2) COPIES OF THE PLEADING PER PARTY TO BE SERVED

CASE NUMBER: DC-21-10683

CURRENT COURT: Dallas County Judicial District Court

TYPE OF INSTRUMENT TO BE SERVED (See Reverse For Types): PLAINTIFF'S ORIGINAL PETITION

FILE DATE OF MOTION: 08/11/2021

Month/ Day/ Year

SERVICE TO BE ISSUED ON (Please List Exactly As The Name Appears In The Pleading To Be Served):

1. NAME: Spirit Airlines, Inc.

ADDRESS: 211 E. 7th Street, Suite 620, Austin, Texas 78701

AGENT, (if applicable): Corporation Service Company d/b/a CSC Lawyers Incorporated

TYPE OF SERVICE/PROCESS TO BE ISSUED (see reverse for specific type): _____

SERVICE BY (check one):

☐ ATTORNEY PICK-UP

☐ CONSTABLE

☒ CIVIL PROCESS SERVER - Authorized Person to Pick-up: Proactive Legal Solutions, box 30

Phone: 832-209-7760

☐ MAIL

☐ CERTIFIED MAIL

☐ PUBLICATION:

Type of Publication: ☐ COURTHOUSE DOOR, or

☐ NEWSPAPER OF YOUR CHOICE: _____

☒ OTHER, explain daspit@proactivelegal.com, e-service@daspitlaw.com & jholder@proactivelegal.com (Emailed ONLY)

2. NAME: _____

ADDRESS: _____

AGENT, (if applicable): _____

TYPE OF SERVICE/PROCESS TO BE ISSUED (see reverse for specific type): _____

SERVICE BY (check one):

☐ ATTORNEY PICK-UP

☐ CONSTABLE

☐ CIVIL PROCESS SERVER - Authorized Person to Pick-up: _____

Phone: 832-209-7760

☐ MAIL

☐ CERTIFIED MAIL

☐ PUBLICATION:

Type of Publication: ☐ COURTHOUSE DOOR, or

☐ NEWSPAPER OF YOUR CHOICE: _____

☒ OTHER, explain daspit@proactivelegal.com, e-service@daspitlaw.com & jholder@proactivelegal.com (Emailed ONLY)

ATTORNEY (OR ATTORNEY'S AGENT) REQUESTING SERVICE:

NAME: John Daspit

TEXAS BAR NO./ID NO. 24048906

MAILING ADDRESS: 440 Louisiana Street, Suite 1400, Houston, Texas 77002

PHONE NUMBER: 713

area code

588-0383

phone number

FAX NUMBER: 713

area code

587-9086

fax number

EMAIL ADDRESS: daspit@proactivelegal.com, e-service@daspitlaw.com, jholder@proactivelegal.com, alira@proactivelegal.com

SERVICE REQUESTS WHICH CANNOT BE PROCESSED BY THIS OFFICE WILL BE HELD FOR 30 DAYS PRIOR TO CANCELLATION. FEES WILL BE REFUNDED ONLY UPON REQUEST, OR AT THE DISPOSITION OF THE CASE. SERVICE REQUESTS MAY BE REINSTATED UPON APPROPRIATE ACTION BY THE PARTIES.

INSTRUMENTS TO BE SERVED:

(Fill In Instrument Sequence Number, i.e. 1st, 2nd, etc.)

ORIGINAL PETITION

_____ AMENDED PETITION
_____ SUPPLEMENTAL PETITION

COUNTERCLAIM

_____ AMENDED COUNTERCLAIM
_____ SUPPLEMENTAL COUNTERCLAIM

CROSS-ACTION:

_____ AMENDED CROSS-ACTION
_____ SUPPLEMENTAL CROSS-ACTION

THIRD-PARTY PETITION:

_____ AMENDED THIRD-PARTY PETITION
_____ SUPPLEMENTAL THIRD-PARTY PETITION

INTERVENTION:

_____ AMENDED INTERVENTION
_____ SUPPLEMENTAL INTERVENTION

INTERPLEADER

_____ AMENDED INTERPLEADER
_____ SUPPLEMENTAL INTERPLEADER

INJUNCTION

MOTION TO MODIFY

SHOW CAUSE ORDER

TEMPORARY RESTRAINING ORDER

BILL OF DISCOVERY:

ORDER TO: _____
(specify)

MOTION TO: _____
(specify)

PROCESS TYPES:NON WRIT:

CITATION
ALIAS CITATION
PLURIES CITATION
SECRETARY OF STATE CITATION
COMMISSIONER OF INSURANCE
HIGHWAY COMMISSIONER
CITATION BY PUBLICATION
NOTICE
SHORT FORM NOTICE

PRECEPT (SHOW CAUSE)
RULE 106 SERVICE

SUBPOENA

WRITS:

ATTACHMENT (PROPERTY)
ATTACHMENT (WITNESS)
ATTACHMENT (PERSON)

CERTIORARI

EXECUTION
EXECUTION AND ORDER OF SALE

GARNISHMENT BEFORE JUDGMENT
GARNISHMENT AFTER JUDGMENT

HABEAS CORPUS
INJUNCTION
TEMPORARY RESTRAINING ORDER

PROTECTIVE ORDER (FAMILY CODE)
PROTECTIVE ORDER (CIVIL CODE)

POSSESSION (PERSON)
POSSESSION (PROPERTY)

SCIRE FACIAS
SEQUESTRATION
SUPERSEDEAS

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Jacqueline Betancourt on behalf of John Daspit
Bar No. 24048906
jacqueline@daspitlaw.com
Envelope ID: 56215465
Status as of 8/13/2021 9:09 AM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Jaime Holder		jholder@proactivelegal.com	8/11/2021 2:36:56 PM	SENT
DLF Intake		intake@daspitlaw.com	8/11/2021 2:36:56 PM	SENT
Alma Lira		Alira@proactivelegal.com	8/11/2021 2:36:56 PM	SENT
Girraud Stephens		gstephens@daspitlaw.com	8/11/2021 2:36:56 PM	SENT
Jacqueline Betancourt		jacqueline@daspitlaw.com	8/11/2021 2:36:56 PM	SENT
John A Daspit	24048906	Eservice@daspitlaw.com	8/11/2021 2:36:56 PM	SENT



101st JUDICIAL DISTRICT COURT
GEORGE L. ALLEN COURTS BUILDING
600 COMMERCE STREET
DALLAS, TEXAS 75202-4604

August 17, 2021

SPIRIT AIRLINES, INC.
ITS REGISTERED AGENT CORPORATION SERVICE COMPANY
211 E 7TH STREET SUITE 620
AUSTIN TX 78701

Cause No: DC-21-10683

MONIQUE KELLY-ROBINSON
vs.
SPIRIT AIRLINES, INC.

ALL COUNSEL OF RECORD AND PRO SE PARTIES:

The above case is set for dismissal, pursuant to Rule 165A, Texas Rules of Civil Procedure and pursuant to the inherent power of the Court, on:

October 15, 2021 at 9:00 AM

If an answer has been filed, the case will not be dismissed. Your case will be removed from the dismissal docket and set for trial.

If service of process has been completed but no answer has been filed, you must file a Motion for Default Judgment on or prior to the date of the dismissal docket. Failure to do so will result in dismissal of this case for want of prosecution.

If service of process has not been completed and you wish to retain the case on the docket, you must email the court at 101court@dallascounty.org no later than 3:00 p.m. on the day before the dismissal docket, specifying (1) date petition was filed, (2) the steps taken to attempt to achieve service and (3) how much additional time is needed before filing a Motion for Substitution Service.

If your case is set on the Default Judgment docket, your case will not be dismissed. Your case will be reset on the dismissal docket.

If your case is set on the Motion for Substitute Service docket, your case will not be dismissed. However, if you receive a Notice a Deficiency, the Court expects that the deficiencies be addressed. Your case will be reset on the dismissal docket.

If your case has been settled and is on the Settlement Docket, you must provide the required documents or your case will be removed from the docket.

Sincerely,

A handwritten signature in black ink, appearing to read "Stevi Wilkins". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Presiding Judge
101st Judicial District Court

CC: SPIRIT AIRLINES, INC.; JOHN ARTHUR DASPIT

**FORM NO. 353-3 - CITATION
THE STATE OF TEXAS**

**To: SPIRIT AIRLINES, INC.
ITS REGISTERED AGENT CORPORATION SERVICE COMPANY
211 E 7TH STREET SUITE 620
AUSTIN TX 78701**

GREETINGS:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org. Your answer should be addressed to the clerk of the **101st District Court** at 600 Commerce Street, Ste. 101, Dallas, Texas 75202.

Said Plaintiff being **MONIQUE KELLY-ROBINSON**

Filed in said Court **11th day of August, 2021** against

SPIRIT AIRLINES, INC.

For Suit, said suit being numbered **DC-21-10683**, the nature of which demand is as follows:
Suit on **OTHER PERSONAL INJURY** etc. as shown on said petition, a copy of which accompanies this citation. If this citation is not served, it shall be returned unexecuted.

WITNESS: FELICIA PITRE, Clerk of the District Courts of Dallas, County Texas.
Given under my hand and the Seal of said Court at office this 16th day of August, 2021.

ATTEST: FELICIA PITRE, Clerk of the District Courts of Dallas, County, Texas

By *Courtney Rutledge*, Deputy
COURTNEY RUTLEDGE



*CTH = 8/24/21
at 10:35 AM*

ESERVE

CITATION

DC-21-10683

**MONIQUE KELLY-ROBINSON
vs.
SPIRIT AIRLINES, INC.**

**ISSUED THIS
16th day of August, 2021**

**FELICIA PITRE
Clerk District Courts,
Dallas County, Texas**

By: COURTNEY RUTLEDGE, Deputy

**Attorney for Plaintiff
JOHN ARTHUR DASPIT
THE DASPIT LAW FIRM
440 LOUISIANA ST
STE 1400
HOUSTON TX 77002
713-322-4878
e-service@daspitlaw.com**

**DALLAS COUNTY
SERVICE FEES
NOT PAID**

IN THE 101ST JUDICIAL DISTRICT
DALLAS COUNTY, TEXAS

CAUSE NO: DC-21-10683

MONIQUE KELLY-ROBINSON
VS
SPIRIT AIRLINES, INC.

RETURN

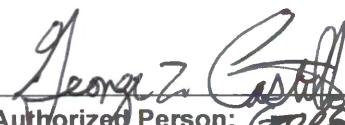
Came to my hand: 8/24/2021 , at 10:35 o'clock A.M. , the following specified documents:

- Citation
- Plaintiff's Original Petition
- Request for Disclosures

and executed by me on: 8/24/2021 , at 2:04 o'clock PM , at

211 E. 7TH STREET, SUITE 620, AUSTIN, TX 78701, within the county of TRAVIS, by delivering to SPIRIT AIRLINES, INC., by delivering to its registered agent, CORPORATION SERVICE COMPANY, by delivering to SAMANTHA GUERRA , employee/managing agent, in person, a true copy of the above specified documents having first endorsed on such copy the date of delivery.

I am over the age of 18, not a party to nor interested in the outcome of the above numbered suit, and I declare under penalty of perjury that the foregoing is true and correct.


Authorized Person: GEORGE L. CASTILLO; PSC14460
Expiration Date: 9/30/2023

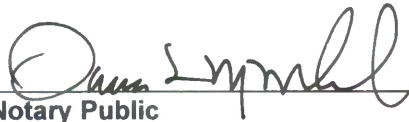
STATE OF TEXAS }

VERIFICATION

Before me, a notary public, on this day personally appeared the above named Authorized person, known to me to be the person whose name is subscribed to the foregoing document and, being by me first duly sworn, declared that the statements and facts therein contained are within his/~~her~~ personal knowledge and experience to be true and correct. Given under my hand and seal of office on this the 24th day of

August, 2021.




Notary Public

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Envelope ID: 56688051

Status as of 8/27/2021 9:31 AM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
DLF Intake		intake@daspitlaw.com	8/26/2021 12:53:48 PM	SENT
John A Daspit	24048906	Eservice@daspitlaw.com	8/26/2021 12:53:48 PM	SENT
Alma Lira		Alira@proactivelegal.com	8/26/2021 12:53:48 PM	SENT
Jaime Holder		jholder@proactivelegal.com	8/26/2021 12:53:48 PM	SENT
Jacqueline Betancourt		jacqueline@daspitlaw.com	8/26/2021 12:53:48 PM	SENT
Girraud Stephens		gstephens@daspitlaw.com	8/26/2021 12:53:48 PM	SENT



101st JUDICIAL DISTRICT COURT
GEORGE L. ALLEN COURTS BUILDING
600 COMMERCE STREET
DALLAS, TEXAS 75202-4604

ALL COUNSEL OF RECORD AND PRO SE PARTIES:
9/17/2021

SPIRIT AIRLINES, INC.

ITS REGISTERED AGENT CORPORATION SERVICE COMPANY

211 E 7TH STREET SUITE 620

AUSTIN TX 78701

Cause Number: DC-21-10683

MONIQUE KELLY-ROBINSON

vs.

SPIRIT AIRLINES, INC.

The above case is set for dismissal, pursuant to Rule 165A, Texas Rules of Civil Procedure and pursuant to the inherent power of the Court, on:

10/15/2021 at 9:00 AM

If an answer has been filed, the case will not be dismissed. Your case will be removed from the dismissal docket and set for trial.

If service of process has been completed but no answer has been filed, you must file a Motion for Default Judgment on or prior to the date of the dismissal docket. Failure to do so will result in dismissal of this case for want of prosecution.

If service of process has not been completed and you wish to retain the case on the docket, you must email the court at 101court@dallascounty.org no later than 3:00 p.m. on the day before the dismissal docket, specifying (1) date petition was filed, (2) the steps taken to attempt to achieve service and (3) how much additional time is needed before filing a Motion for Substitution Service.

If your case is set on the Default Judgment docket, your case will not be dismissed. Your case will be reset on the dismissal docket.

If your case is set on the Motion for Substitute Service docket, your case will not be dismissed. However, if you receive a Notice a Deficiency, the Court expects that the deficiencies be addressed. Your case will be reset on the dismissal docket.

If your case has been settled and is on the Settlement Docket, you must provide the required documents or your case will be removed from the docket.

Sincerely,

A handwritten signature in black ink, appearing to read "Stacy Wilkins", written in a cursive style.

Presiding Judge

SPIRIT AIRLINES, INC.; JOHN ARTHUR DASPIT

CAUSE NO. DC-21-10683

MONIQUE KELLY-ROBINSON	§	IN THE DISTRICT COURT
	§	
Plaintiff,	§	
	§	
v.	§	101st DISTRICT COURT
	§	
SPIRIT AIRLINES, INC.	§	
	§	
Defendant.	§	DALLAS COUNTY, TEXAS

DEFENDANT SPIRIT AIRLINES, INC.'S ORIGINAL ANSWER

Defendant Spirit Airlines, Inc. hereby files this Answer to Plaintiff's Original Petition, and in support thereof, would show as follows:

GENERAL DENIAL

Pursuant to Rule 92 of the Texas Rules of Civil Procedure, Defendant denies each and every allegation in Plaintiff's Original Petition and demands strict proof thereof in accordance with the laws of the State of Texas.

WHEREFORE, Defendant respectfully prays that Plaintiff takes nothing by way of this action, that all costs of Court are taxed against Plaintiff, and that Defendant is granted all such other and further relief, at law or in equity, to which Defendant may be justly entitled.

Dated: September 17, 2021.

Respectfully submitted,

/s/ Brett L. Myers

Brett L. Myers

Texas State Bar No. 00788101

Brett.myers@wickphillips.com

Jeffrey W. Hellberg, Jr.

Texas State Bar No. 00796738

Jeff.hellberg@wickphillips.com

WICK PHILLIPS GOULD & MARTIN LLP

3131 McKinney Avenue, Suite 500

Dallas, Texas 75204

Telephone: 214.692.6200

Telecopier: 214.692.6255

Jonathan DeMay (*pro hac vice to be filed*)
jdemay@condonlaw.com

CONDON & FORSYTH LLP
7 Times Square, 18th Floor
New York, New York 10036
Telephone: 212.490.9100

**ATTORNEYS FOR DEFENDANT
SPIRIT AIRLINES, INC.**

CERTIFICATE OF SERVICE

I certify that on September 17, 2021, I served a true and correct copy of the foregoing document on all parties of record in accordance with the Texas Rules of Civil Procedure via EFileTexas.gov.

/s/ Brett L. Myers
Brett L. Myers

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Brett Myers
 Bar No. 788101
 brett.myers@wickphillips.com
 Envelope ID: 57381486
 Status as of 9/20/2021 9:28 AM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
DLF Intake		intake@daspitlaw.com	9/17/2021 8:00:24 PM	SENT
John A Daspit	24048906	Eservice@daspitlaw.com	9/17/2021 8:00:24 PM	SENT
Alma Lira		Alira@proactivelegal.com	9/17/2021 8:00:24 PM	SENT
Jaime Holder		jholder@proactivelegal.com	9/17/2021 8:00:24 PM	SENT
Jacqueline Betancourt		jacqueline@daspitlaw.com	9/17/2021 8:00:24 PM	SENT
Girraud Stephens		gstephens@daspitlaw.com	9/17/2021 8:00:24 PM	SENT

Associated Case Party: SPIRIT AIRLINES, INC.

Name	BarNumber	Email	TimestampSubmitted	Status
Brett Myers		brett.myers@wickphillips.com	9/17/2021 8:00:24 PM	SENT
Jonathan DeMay		jdemay@condonlaw.com	9/17/2021 8:00:24 PM	SENT
Keanna Wiggins		keanna.wiggins@wickphillips.com	9/17/2021 8:00:24 PM	SENT

CAUSE NO. DC-21-10683

MONIQUE KELLY-ROBINSON	§	IN THE DISTRICT COURT
	§	
Plaintiff,	§	
	§	
v.	§	101st DISTRICT COURT
	§	
SPIRIT AIRLINES, INC.	§	
	§	
Defendant.	§	DALLAS COUNTY, TEXAS

DEFENDANT SPIRIT AIRLINES, INC.'S NOTICE OF REMOVAL

On September 23, 2021, Defendant Spirit Airlines, Inc. filed the attached Notice of Removal in the United States District Court for the Northern District of Texas, Dallas Division.

Dated: September 23, 2021.

Respectfully submitted,

/s/ Brett L. Myers

Brett L. Myers

Texas State Bar No. 00788101

Brett.myers@wickphillips.com

Jeffrey W. Hellberg, Jr.

Texas State Bar No. 00796738

Jeff.hellberg@wickphillips.com

WICK PHILLIPS GOULD & MARTIN LLP

3131 McKinney Avenue, Suite 500

Dallas, Texas 75204

Telephone: 214.692.6200

Telecopier: 214.692.6255

Jonathan DeMay (*pro hac vice to be filed*)

jdemay@condonlaw.com

CONDON & FORSYTH LLP

7 Times Square, 18th Floor

New York, New York 10036

Telephone: 212.490.9100

**ATTORNEYS FOR DEFENDANT
SPIRIT AIRLINES, INC.**

CERTIFICATE OF SERVICE

I certify that on September 23, 2021, I served a true and correct copy of the foregoing document on all parties of record in accordance with the Texas Rules of Civil Procedure via EFileTexas.gov.

/s/ Brett L. Myers

Brett L. Myers